IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2511 OF 2003

M/s.New Aram Restaurant .. Petitioner
V/s
Sai Palace Hotels Pvt.Ltd.& Anr. .. Respondents

Mr.I.S.Thakur for the Petitioner.
Mr.S.S.Patwardhan for Respondent No.2.

CORAM : DR.S.RADHAKRISHNAN J.

DATE : 21st April, 2007.

P.C.:

1. Heard the learned Counsel for the Petitioner and the learned Counsel for Respondent No.2 Bank. Respondent No.1 though served is not appearing before the Court. This Petition is arising out of an interlocutory order. The Petitioner tenant challenged the order of the lower Appellate Court refusing to interfere in the Trial Court's order fixing monthly payment of Rs.31,557/- towards the arrears of rent. This Court by an order dated 1st March, 2005 had granted interim relief on the condition of the Petitioner depositing Rs.5 lakhs in the trial Court within a period of two weeks i.e. by 15th March, 2005. Thus, if the said deposit were to be made by 15th March, 2005 there was an order of injunction in terms of prayer clause (d) i.e.the impugned order dated 24th October, 2001 was stayed.

2. The learned Counsel for the Petitioner has pointed out that now the trial has commenced, the Plaintiffs evidence has been partly recorded, and in any event the

trial would be concluded within a period of three months. The Respondent No.1 though served is not appearing before this Court.

3. Having regard to the facts and circumstances of the case, the trial Court is directed to dispose of the RAE & R.Suit No.479/895 of 1999 as expeditiously as possible, on or before 30th September, 2007.

4. Till the disposal of the aforesaid suit, the order dated 24th October, 2001 passed by the Division Bench of the Court of Small Causes stands stayed.

5. Rule is made absolute in terms of the above.

(DR.S.RADHAKRISHNAN,J.)